

ANDREW SALES,)
)
Plaintiff,)
)
v.) No. 4:08CV1120 CDP
)
JOHN URANKAR, et al.,)
)
Defendants.)

This matter is before the Court on plaintiff's motion to proceed in forma pauperis and submission of a civil complaint. Upon review of the financial affidavit provided by plaintiff, the Court finds that plaintiff should be allowed to proceed in forma pauperis. However, a review of the complaint shows that this case has been brought in the wrong district. As a result, the Court will dismiss this action under 28 U.S.C. § 1406(a).

Plaintiff brings this action against John Urankar and Gateway Automotive for alleged violations of the Truth in Lending Act and various provisions of Illinois consumer law. Plaintiff claims that defendants, who are both located in Illinois, engaged in a “bait and switch” scheme when they sold him a car and provided financing to him. Plaintiff alleges that after the loan was made that defendants

changed the terms of the loan. According to the complaint, defendants were at all times located in Illinois.

Under 28 U.S.C. § 1391(b):

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Under 28 U.S.C. § 1406(a) a court may dismiss a case filed in the wrong district.

In this case, there are no allegations that any defendant may be located in or resides in this district. Additionally, all of the events described in the complaint occurred in Illinois. As a result, the Court will dismiss this action pursuant to 28 U.S.C. § 1406(a).

Accordingly,


IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel is **DENIED** as moot.

IT IS FURTHER ORDERED that this case is **DISMISSED** pursuant to 28
U.S.C. § 1406(a).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 9th day of December, 2008.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE